

**MINUTES FOR THE COURT OF APPEAL
STATE OF CALIFORNIA
SECOND APPELLATE DISTRICT**

October 1, 2009

DIVISION ONE

[illegible]

The judgment is affirmed.

Johnson, J.

We concur: Rothschild, Acting P.J.
 Chaney, J.

B20806 People (Not for Publication)
v.
Donel

One of the two prior prison term enhancements within the meaning of section 667.5, subdivision (b) is stricken as to each count, and the judgment is otherwise affirmed. The matter is remanded to the trial court to prepare a corrected abstract of judgment to reflect that there are four prior prison term enhancements, one on each count, and there are eight section 667, subdivision (a) enhancements, two on each count and to clearly delineate the allocation of the enhancements to each of the counts.

Chavez, J.

We concur: Boren, P.J.
Ashmann-Gerst, J.

DIVISION THREE

B208829 In re Carl Henderson (Not for Publication)
on
Habeas Corpus

The order of the superior court, dated June 9, 2008, granting Henderson's petition for a writ of habeas corpus is affirmed and our stay of that order is lifted. The Governor's decision to reverse the Board's grant of parole to Henderson is vacated. We remand to the superior court. Within 30 days of the issuance of our remittitur, the superior court shall issue an order stating:

1. The Board shall conduct a new parole suitability hearing for Henderson within 30 days of the superior court's order;
2. At that hearing, the Board is directed to find Henderson suitable for parole unless either previously undiscovered evidence or new evidence subsequent to the Board's April 27, 2006, order supports a determination that he currently poses an unreasonable risk of danger to society if released on parole.

Considering that Henderson's release by the Board would have been final in August 2006, approximately three years ago, and in the interests of justice, this opinion shall be final as to this court within five days after it is filed. (Cal. Rules of Court, rule 8.264 (b)(3); Aguilar, *supra*, 168 Cal.App.4th at p. 1492.)

Kitching, J.

We concur: Klein, P.J.
 Croskey, J.

DIVISION FOUR

B214275 Los Angeles County, D.C.F.S. (Not for Publication)
v.
R.A.

The order terminating parental rights is conditionally reversed. On remand, the court shall ensure that DCFS complies with its statutory duty of inquiry by interviewing Viola concerning Mother's biological mother. If Viola provides additional information pertinent to the notice requirements of section 224.2, subdivision (a)(5), DCFS shall give notice in compliance with ICWA to any applicable party, including BIA, the Department of Interior and any identified tribe. If Viola provides no additional relevant information or if she does, but after notice, no tribe intervenes, the juvenile court shall reinstate its order terminating parental rights.

Manella, J.

We concur: Epstein, P.J.
Willhite, J.

DIVISION SIX

B209657 People (Not for Publication)
v.
Saldivar

The judgment is ordered modified to reflect a total of 1,267 days custody credit, consisting of 1,012 days of presentence custody and 165 days of conduct credit. The abstract of judgment is further modified as follows: (1) on count 5, the date of conviction shall be changed from 11-02-05 to 4-12-08; and (2) in Section 12, the check in the box for "other" shall be stricken. The trial court shall prepare and forward a modified abstract of judgment to the California Department of Corrections and Rehabilitation. In all other respects, the judgment is affirmed.

Perren, J.

We concur: Gilbert, P.J.
Yegan, J.

DIVISION SEVEN

Court convened at 9:00 a.m.

Present: Woods, Acting P.J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

Each of the following:

B206489 People v. Laster
B207190 People v. Jones
B207541 People v. Padilla
B208897 People v. Montgomery
B210200 People v. Kennedy
B211017 People v. Zamek
B211561 People v. Hernandez
B212044 People v. Violantes
B213110 People v. Brown
B214741 People v. V. M.

Argument waived, cause submitted.

B205360 People
 v.
 Mabasa

Merits:

Argued by Cindy Brines for appellant and by David Glassman, Deputy Attorney General for respondent. The parties have stipulated to Justice Perluss's participation as a member of the panel by listening to the audio recording of oral argument. Cause submitted.

B206794 People
 v.
 Ellis et al.,

Merits:

Argued by Richard Rubin and Edward Schulman for appellants and by Ricahrd Moskowitz, Deputy Attorney General for respondent. The parties have stipulated to Justice Perluss's participation as a member of the panel by listening to the audio recording of oral argument. Cause submitted.

DIVISION SEVEN (continued)

B203503 People
 v.
 Rucker

Merits:

Argued by Dan Mrotek for appellant and by David Madeo, Deputy Attorney General for respondent. Cause submitted.

B200073 Simpson
 v.
 Cameric International, et al.

Merits:

Argued by Gerald Serlin for appellants and by John Blanchard for respondent. Cause submitted.

Court recessed.

Court reconvened at 1:30 p.m.

Present: Woods, Acting P.J., Zelon, J., Jackson, J. and Eva McClintock, Deputy Clerk.

B208735 Yang v. Oh

Argument waived, cause submitted.

B205788 Lindmark
 v.
 Heuer, et al.

Merits:

Argued by Steven Glickman for appellant and by Henry Heuer for respondents. The parties have stipulated to Justice Perluss's participation as a member of the panel by listening to the audio recording of oral argument. Cause submitted.

DIVISION SEVEN (continued)

B207716 Masterpiece Accessories
v.
Prestige Parking, Inc., et al.

Merits:

Argued by David Romley for appellants and by Bernard Leckie for respondent. The parties have stipulated to Justice Perluss's participation as a member of the panel by listening to the audio recording of oral argument. Cause submitted.

B207477 Anderson
v.
West Marine, et al.

Merits:

Argued by Yvonne Renfrew for appellant and by Thomas Godwin, Kevin Rosen and Alan Weil for respondents. Cause submitted.

Court adjourned.

DIVISION EIGHT

[illegible]

The judgment is affirmed.

Mohr, J. (Assigned)

We concur: Rubin, Acting P.J.
Flier, J.

October 1, 2009 (Continued)

DIVISION EIGHT (continued)

B209932 West Washington Properties, LLC, (Not for Publication)
 v.
 California Department of Transportation

The appeal is dismissed. Each party is to bear its own costs of appeal.

Bigelow, J.

We concur: Flier, Acting P.J.
 Bendix, J. (Assigned)